

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – February 3, 2022 7:15 pm – Virtual meeting via Zoom Platform due to the COVID19/Coronavirus Pandemic

The meeting was called to order at 7:15 pm by Mr. Neczesny, Board Vice Chairman, with the reading of the Open Public Meetings Act Statement (below), and salute to the flag.

Roll Call:

Present: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti, Lehder

Absent: none

Also Present: Mr. Irene, Board Attorney; Ms. Gable, Board Planner; Mr. Kennedy, Board Engineer

Mr. Lehder, Board Chairman, read a description of the role of the Fair Haven Zoning Board of Adjustment.

Mr. Lehder introduced the first matter on the agenda, the Burke application:

Burke – 104 Willow Street, Block 55 Lot 7, Zone R-10A

Applicant seeks to construct a single-family home and seeks variance relief for: total side yard setback, habitable floor area ratio, total lot square footage, and lot frontage.

Mr. Irene stated that a letter was received from the applicant's attorney, Mr. John Sarto, dated January 20, 2022 requesting to withdraw the Burke application without prejudice.

MOTION by Mr. Lehder and second by Ms. Quigley to dismiss the Burke application without prejudice because of the withdrawal of the application.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Schiavetti, Lehder

Opposed: none

The second matter on the agenda was introduced, the Nick application:

Nick – 33 Cedar Avenue, Block 31 Lot 9, Zone B-2

Applicant seeks to renovate the existing two-bedroom house into a four-bedroom dwelling with covered porch, attached two-car garage, two-story rear addition of approximately 162 square feet, and a new basement. A request for variance relief includes lot depth, front yard setback, minimum rear yard setback, maximum building height, maximum habitable floor area ratio, maximum habitable floor area, together with any other variances and design waivers.

Mr. Irene confirmed the Board has jurisdiction on the matter. The Board professionals were sworn in - Ms. Gable, Borough Planner and Mr. Kennedy, Borough Engineer.

Mr. Brooks Von Arx was introduced as the applicant's attorney representing Mr. Alan Nick, owner of 33 Cedar Avenue.

Ms. Gable reviewed the completeness items including requested waivers for the Monmouth County Planning Board application (not applicable), Freehold Soil Conservation District application (for completeness only), and Monmouth County Health Department application (not applicable). Ms. Gable mentioned that there were two items open from the Zoning Officer letter regarding the basement/cellar and providing a survey. Mr. Kennedy confirmed surveys and a grading report were received.

There was unanimous acclamation for accepting the completeness waivers.

Mr. Irene marked a Survey prepared by Charles Surmonte PE and PLS of March 12, 2019 and revised March 18, 2019 marked as Exhibit A-1; and Topographic Survey prepared by Charles Surmonte PE and PLS dated December 29, 2020 marked as Exhibit A-2.

Mr. Von Arx introduced his client Alan Nick, the property owner. He confirmed property address as 33 Cedar Avenue, Block 31 Lot 9, Zone B-1. He stated that it is an oversized lot and the renovation will be a improvement to the property.

Mr. Irene corrected the Zone as B-2

Mr. Von Arx introduced the following witnesses:

Architect – Dennis Dragon, Prestige Design Group
Engineer – Gregory Domalewski, MidAtlantic Engineering
Planner – Christine Cofone, Cofone Consulting

Mr. Alan Nick stated his address as 23 Wind Hill Way Holmdel 07733, and was sworn in by Mr. Irene. Mr. Nick purchased the property in 2018. He had many trees removed and described the condition of the house as uninhabitable. He stated that he will build the addition and sell the home. He said the shed will be removed and the driveway replaced.

Mr. Irene marked Exhibit A-3, a rendering of the home prepared by Dennis Dragon from Prestige Design.

Mr. Lehder asked for a summary of the variances needed. Mr. Von Arx reviewed the following variances:

- lot depth
- front yard setback
- minimum rear yard setback
- maximum building height
- maximum habitable floor area ratio
- maximum habitable floor area
- floor area ratio

Mr. Lehder reviewed the table from Ms. Gable's memo of November 18, 2021 regarding variance relief.

Mr. Von Arx introduced the architect, Dennis Dragon, 1510 John Street, Palmetta, NJ. Mr. Dragon was sworn in by Mr. Irene. Mr. Dragon is an architect and project director for Prestige Design Group. Mr. Dragon has been involved with the project for the past year and involved with creating the plans. Mr. Irene asked how long Mr. Dragon has been licensed. Mr. Dragon confirmed he is not a registered/licensed architect. Mr. Lehder asked if he has ever been accepted by a Board. Mr. Dragon stated he is a project director and is familiar with the plans. His partner stamped the plans as he is a licensed and registered architecture in NJ. Mr. Lehder said he is not inclined to accept Mr. Dragon as an expert in architecture.

The Board Secretary, Sandra Papa, confirmed the plans were signed and sealed by Binu Matthew.

Mr. Neczesny asked for confirmation of how the square footage was measured.

Mr. Dragon testified about the condition of the house and water damage.

Mr. Schiavetti asked for confirmation of Mr. Dragon's testimony. Mr. Von Arx stated he is testifying on the condition of the home.

Mr. Von Arx asked if the entire structure would be demolished. Mr. Dragon said the foundation was and the skeleton of the building were intact.

There was review of the exterior finishes by Mr. Dragon and discussion of the two-car garage on the southern side of the home. The height of the house was also mentioned.

Mr. Alan mentioned that they originally submitted a design that was 28 feet in height.

Mr. Lehder asked that a plan be shown of the existing house and then the design decisions.

Mr. Irene marked Exhibit A-4: 2 photos, dated 11/18/21 showing the existing property from Ms. Gable's report on page 12.

Mr. Nick explained the condition of the property with its front set back. The new rendering maintains the existing front yard setback. He explained how the existing structure will be maintained. Building on the existing structure allows for a back yard and side yard for a family.

There was discussion around the ridge height.

Mr. Von Arx introduced the applicant's engineer, Gregory Domalewski.

Mr. Domalewski stated he is employed by MidAtlantic Engineering, 5 Commerce Way Suite 201, Hamilton, NJ 08691. Mr. Domalewski was sworn in by Mr. Irene. Mr. Von Arx reviewed Mr. Domalewski's credentials. Mr. Domalewski has a Bachelor of Engineering from Stevens Institute of Technology and has been a licensed professional engineer for 10-12 years. He has testified before many Boards. Mr. Domalewski's credentials were accepted by the Board.

Mr. Domalewski provided testimony regarding the exterior of the home. Mr. Von Arx asked that Mr. Domalewski address the height of the building as proposed.

Mr. Irene marked Exhibit A-5: Plot Plan prepared by Mr. Domalewski, PE, MidAtlantic Engineering dated July 26, 2021 and revision date of October 20, 2021. The Plot Plan was shown to the Board by Mr. Domalewski. He reviewed the calculations used to determine the building height. Mr. Domalewski agreed to used Mr. Kennedy's measurement of 47.5 as average grade, with building height of 32 feet. The roof will be reframed.

Mr. Domalewski continued with his testimony and introduced an ariel view of the property – Exhibit A-6. He mentioned the setbacks associated with the neighboring homes. He then reviewed the setbacks associated with the renovation of the home. He also spoke of placement of the home, garage and walkways.

Mr. Domalewski confirmed the plan for the basement and regrading required to extend the walkout basement. The ceiling height was confirmed at 7.2 feet for the basement. He also spoke of the front yard setback.

There was discussion regarding the grading.

Mr. Domalewski proposed a dry well system in the rear of the yard with an overflow.

Per Mr. Domalewski, 108.4 square feet would need to be eliminated from the plans to meet the Floor Area Ratio, which is exceeded with the current plans.

A discussion took place regarding parking. A suggestion was made to turn the garage and allow for additional parking in the rear.

Mr. Kennedy explained the measurement of building height and how the ordinance is written. He also asked whether soil borings were taken and where the drywell will be located. He also expressed concern for the neighboring properties and the use of the drywell. Mr. Domalewski stated that testing had not been done yet.

Mr. Domalewski confirmed the rear yard set back is conforming.

Mr. Irene asked if there is a kitchen in the basement. Mr. Dragon confirmed no kitchen is proposed in the basement.

Ms. Gable asked about the change of grade and flat walkout at the rear from the basement. Mr. Domalewski explained that a contour will be adjusted and the basement grade will remain the same.

Mr. Von Arx called the next witness, Christine Cofone, Planner for the applicant. Ms. Cofone requested a five-minute consult with the applicant.

During the break the Board introduced the next agenda item, approval of January 6, 2022 minutes.

MOTION by Mr. Neczesny and second by Mr. Lehder to approve the January 6, 2022 meeting minutes.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti, Lehder

Opposed: none

The Board then took a five-minute break at 8:54 pm. The Board returned and a roll call was taken at 8:59 pm.

Roll call

Present: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti, Lehder

Absent: none

Mr. Von Arx asked for an adjournment of time to continue the application at another time with appropriate plans.

Ms. Quigley asked that the Board consider the Fisk Chapel in their plans to ensure no negative effect on this historic building.

Mr. Von Arx gave his assurance of this consideration.

MOTION by Mr. Lehder and second by Ms. Quigley to carry the Nick application to the April 7, 2022 Zoning Board meeting without the necessity to re-notice.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Lehder

Opposed: none

Ms. Quigley stated that she will be leaving the meeting and recusing herself from any discussion regarding the RFP for Board professionals.

MOTION by Mr. Neczesny and second by Mr. Lehder to move into executive session for review of personnel matters.

In favor: Neczesny, Ridgeway, Ryan, Laufer, Kinsella, Lehder

Opposed: none

The Board went into executive session at 9:08 pm.

The Board returned to the public meeting at 10:08 pm. Mr. Lehder called the meeting to order.

Roll call

Present: Neczesny, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti, Lehder

Absent: Quigley

Also Present: Mr. Irene, Board Attorney

MOTION by Mr. Neczesny and second by Dr. Laufer to appoint CME as the Board engineer in 2022 contingent on successful negotiation of a contract.

In favor: Neczesny, Ridgeway, Laufer, Kinsella, Schiavetti, Lehder

Opposed: none

Absent: Quigley

Abstain: Ryan

The Board made the decision they will not move forward with the Planner until the March 2022 meeting.

Dr. Laufer asked if a resolution will be created to recognize Mr. Ludman's contribution to the Board. There was discussion regarding the replacement of Mr. Ludman who has recently resigned from the Board.

The meeting was opened to the public. There was no comment from the public.

Mr. Lehder made a motion to close the meeting that was carried by voice vote at 10:14 pm.

Respectfully submitted,
Sandi Papa
Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Zoning Board of Adjustment. Adequate notice of this meeting has been given pursuant to the provisions of the Open Public Meetings Act. At the time of the Board reorganization in January of this year, the Board adopted its regular meeting schedule for the year. Notice of the schedule was sent to and published in the Asbury Park Press on January 19, 2022, and the Two River Times on January 20, 2022. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. A copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of the Notice has also been sent to such members of the public as have requested such information in accordance with the statute. Adequate notice having been given, the Board Secretary is directed to include this statement in the minutes of this meeting.